

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AHIAM ETIENNE,

Defendant.

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Case No. 08-12-M

MOTION AND ORDER TO UNSEAL

The United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware and Christopher J. Burke, Assistant United States Attorney for the District of Delaware, moves that the Complaint and accompanying affidavit in this matter, signed by this Court on January 18, 2008, be unsealed in the manner discussed below. The government requests that the attached, redacted version of those documents be unsealed, with the original unredacted version of the documents remaining sealed. The government has eliminated references to personal data identifiers in the redacted version of the documents, in compliance with the Court's Judiciary Privacy Policy. The government also moves that the remainder of the File in this case be unsealed. This motion follows the Court's oral order to unseal the File in the case, which was made in open court on January 23, 2008.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

BY: Christopher J. Burke
Christopher J. Burke
Assistant United States Attorney

Dated: January 24, 2008

* * *

AND NOW, to wit, this _____ day of _____, 2008, upon the foregoing Motion, **IT IS HEREBY ORDERED** that the redacted version of the Complaint and accompanying affidavit in this matter, signed by this Court on January 18, 2008, be **UNSEALED**, with the original, unredacted version of those documents to remain **SEALED**, and that the remainder of the File in this matter be **UNSEALED**.

The Honorable Leonard P. Stark
United States Magistrate Judge

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

AHIAM ETIENNE

SEALED

FILED UNDER SEAL

Criminal Complaint

CASE NUMBER: 08- 12m

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 28, 2005 and May 2, 2005 in New Castle County, in the District of Delaware, defendant committed the offense of willfully and knowingly making false statements in an application for a U.S. passport, in violation of Title 18 United States Code, Section(s) 1542.

I further state that I am a(n) Special Agent, United States Department of State

Official Title

complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



Signature of Complainant

Gregory E. Schossler

Special Agent, United States Department of State

FILED
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2008 JAN 18 PM 12:17

Sworn to before me and subscribed in my presence,

January 18, 2008

Date

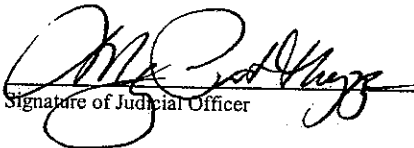
at

Wilmington, DE

City and State

Honorable Mary Pat Thyng
United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-
)	
AHIAM ETIENNE,)	FILED UNDER SEAL
)	
Defendant.)	

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Gregory E. Schossler, having been duly sworn, hereby depose and state:

1. I am a Special Agent of the United States Department of State, Diplomatic Security Service ("DSS"), and have been so employed since January 2006. Prior to my employment with DSS, I spent approximately nine years as a Deputy Sheriff with the Fairfax County, Virginia, Sheriff's Office. I hold a Masters of Forensic Science degree from the George Washington University and a Bachelor of Science degree in Criminal Justice from East Carolina University. Currently, I conduct criminal investigations concerning fraudulent applications for, and issuance of, U.S. Passports, U.S. Visas, and other identification documents used to transit international borders. I make this affidavit based on my personal knowledge and investigation, and upon information and documents furnished to me in my official capacity. Because this affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint, it does not include every fact known by me in connection with this investigation.

2. The subject of this Criminal Complaint is Ahiam Etienne (also referred to as the "SUBJECT"). According to records I have obtained from the U.S. Social Security Administration, Mr. Etienne's Social Security Number is [REDACTED] 3434. According to a Certification of Birth from the Pennsylvania Department of Health's Vital Records division, the SUBJECT was born Ahiam Etienne Johnson in Philadelphia, PA, on [REDACTED] 1964. According to a true copy of an Order of the Delaware Court of Common Pleas in New Castle County, on December 23, 1983, the SUBJECT legally changed his name to Ahiam Chisholm. Thereafter, on March 3, 2003, according to a true copy of an Order of the Delaware Court of Common Pleas in New Castle County, the defendant again legally changed his name to Ahiam Etienne – his legal name as of today.

3. My investigation has determined that the SUBJECT has applied for and obtained a number of U.S. Passports over the last many years, using different names and different Social Security numbers.

4. For example, U.S. State Department records show that on August 20, 1984, the SUBJECT – listing an address of [REDACTED] in Wilmington, Delaware ("the [REDACTED] address"), his correct date of birth and a false Social Security Number – submitted a U.S. passport application under the name Ahiam Johnson, which resulted in his being issued Passport Number [REDACTED] 2305 on August 28, 1984. As noted above, Ahaim Johnson was not the defendant's legal name at the time, as nine months earlier he had changed his name to Ahiam Chisholm. A few months later, on December 10, 1984, the SUBJECT submitted a U.S. passport application under the name Ahiam Chisholm (his legal name at the time), listing the [REDACTED] address and his correct date of birth, which resulted in his being issued Passport Number [REDACTED] 1103 on

December 14, 1984. Where the application asked "Have you ever been issued or included in a U.S. Passport, the SUBJECT falsely checked a box marked "No."

5. In February 1995, after the first Ahiam Johnson passport had expired, the SUBJECT applied to renew that passport by mail, which resulted in his being issued Passport Number [REDACTED] 6057 on March 2, 1995. Similarly, on October 20, 1997, after the first Ahiam Chisholm passport had expired, the SUBJECT appeared at a Wilmington, Delaware Post Office and applied to renew that passport, which resulted in his being issued Passport Number [REDACTED] 0363 on October 27, 1997.

6. On February 28, 2005, as the second Ahiam Johnson passport was about to expire, the SUBJECT again applied by mail to renew that passport in the name Ahiam Johnson, which resulted in his being issued Passport Number [REDACTED] 1390 on March 22, 2005. In that application, the SUBJECT again lists his address as the [REDACTED] [REDACTED] address and lists his correct date of birth. He also lists his correct Social Security Number.

7. However, this February 28, 2005 application contains at least two false statements. First, the SUBJECT lists his name as Ahiam Johnson, when in fact that had not been his name for over 21 years. Instead, as noted above, his legal name as of February 28, 2005 was Ahiam Etienne. Second, where the application asked the SUBJECT to provide information regarding his "[m]ost recent passport" the SUBJECT wrote in Passport Number "[REDACTED] 6057." As noted above, this passport is the second Ahiam Johnson passport, issued to the SUBJECT in 1995. But it was not the most recent passport issued to the SUBJECT – that was Passport Number [REDACTED] 0363 – the second Ahiam Chisholm passport, which was issued to the SUBJECT on October 27, 1997.

8. On May 2, 2005, the SUBJECT applied for yet another passport at a Wilmington, Delaware Post Office, this time in the name of Ahiam Etienne – his legal name at the time. The SUBJECT again listed his address as the [REDACTED] address and listed his correct date of birth. He also listed his correct Social Security Number.

9. However, this May 2, 2005 passport application contains at least one false statement. In response to Question # 17, which asks “Have you ever applied for or been issued a US passport?”, the SUBJECT checked a box marked “No.” As noted above, at this time, the SUBJECT had previously applied for and been issued three U.S. Passports in the name Ahiam Johnson and two U.S. Passports in the name Ahiam Chisholm.

10. Your affiant has reviewed all of the passport pictures that accompany the various passport applications listed above. The pictures all appear to be the same person – the SUBJECT. Indeed, in the pictures accompanying the February 28, 2005 Ahiam Johnson passport application and the May 2, 2005 Ahiam Etienne passport application, the SUBJECT appears to be wearing the same blue shirt.


11. Your affiant has confirmed the current residence of the SUBJECT, Ahiam Etienne, as [REDACTED] Brookhaven, PA. On February 8, 2007, your affiant posed as a Borough of Brookhaven employee and spoke to the SUBJECT in person at his residence. Your affiant can confirm that the SUBJECT appeared to be the same person as the person whose picture accompanies the various passport applications referenced above.

12. On the February 28, 2005 Ahiam Johnson passport application and on the May 2, 2005 Ahiam Etienne passport application, as with the other passport applications

described above, the SUBJECT swore under oath by signature that all of the information he supplied was true and correct.


13. Based on the above facts and circumstances, your affiant submits that there is probable cause to believe that on or about February 28, 2005, in the District of Delaware, the SUBJECT, Ahiam Etienne, did willfully and knowingly make false statements on his application for a U.S. passport with the intent to secure and induce the issuance of such passport, in violation of Title 18, United States Code, Section 1542 (False Statements on Application for U.S. Passport).

14. Based on the above facts and circumstances, your affiant submits that there is probable cause to believe that on or about May 2, 2005, in the District of Delaware, Ahiam Etienne, did willfully and knowingly make false statements on his application for a U.S. passport with the intent to secure and induce the issuance of such passport, in violation of Title 18, United States Code, Section 1542 (False Statements on Application for U.S. Passport).


Gregory E. Schossler, Special Agent
U.S. Department of State
Diplomatic Security Service

SUBSCRIBED and SWORN

before me this 18 day of January, 2008


The Honorable Mary Pat Thyng
United States Magistrate Judge